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In re Application of : DECISION ON  
BENGSSON et al :  
Application No.: 10/542,671 :  
PCT No.: PCT/EP2003/014530 :  
Int. Filing Date: 18 December 2003 : PETITION UNDER  
Priority Date: 30 January 2003 :  
Attorney Docket No.: 47253-00064USPX :  
For: TRUNCATION AND LEVEL ADJUSTMENT :  
OF RAKE OUTPUT SYMBOLS : 37 CFR 1.181

This decision is in response to the "PETITION UNDER 37 CFR 1.181," filed 28 June 2006 requesting acceptance of a copy of the Declaration filed on 28 December 2005. Applicants have submitted, *inter alia*, a copy of the 28 December 2005 USPTO stamped itemized postcard receipt. The itemized postcard lists, *inter alia*, the following item: Executed Declaration (5 pages).

**BACKGROUND**

In a communication from this Office on 22 June 2006, the communication stated that no signed Oath or Declaration was found in the application, and that applicants would need to file a 37 C.F.R. 1.181 petition.

On 28 June 2006, USPTO received this petition stating that applicants submitted a response to the Notification of Missing Requirements on December 28, 2005 as evidenced by the stamped USPTO postcard.

**DISCUSSION**

Applicants' present petition accompanied by a copy of the following documents, filed purportedly, *inter alia*, with the USPTO as indicated in the stamped postcard:

- (1) Executed Declaration (5 pages)
- (2) Check in the amount of \$130.00

The postcard lists the above items and bears a USPTO date of stamp as 28 December 2005.

**BEST AVAILABLE COPY**

MPEP 503 provides:

A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO.

Applicants' postcard is accepted as *prima facie* that an Executed Declaration was deposited with the U.S. Patent and Trademark Office on 28 December 2005.

Accordingly, the date of receipt for the Declaration is 28 December 2005.

**DECISION**

The petition under 37 CFR 1.181 is **GRANTED**.

The application is being returned to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision. The 35 U.S.C. § 371(c)(1), (c)(2), and (c)(4) date is **28 December 2005**.



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